

AMENDED IN ASSEMBLY JUNE 26, 2006

AMENDED IN SENATE APRIL 19, 2006

**SENATE BILL**

**No. 1582**

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**Introduced by Senator Chesbro**  
(Principal coauthor: Assembly Member Berg)

February 23, 2006

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~~An act to amend and renumber Section 1044.5 of the Military and Veterans Code, relating to veterans homes. An act to amend Section 12012.45 of the Government Code, relating to Indian gaming.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1582, as amended, Chesbro. ~~Veterans homes: California Veterans Home Veterans Bill of Rights. Tribal-state gaming compacts.~~

*Existing federal law, the Indian Gaming Regulatory Act of 1988, provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude compacts, subject to ratification by the Legislature. Existing law ratifies a number of tribal-state gaming compacts between the State of California and specified Indian tribes.*

*This bill would ratify the tribal-state gaming compact entered into in 2006 between the State of California and the Yurok Tribe of the Yurok Reservation.*

~~Existing law provides for the creation and operation of veterans homes where aged and disabled veterans and their spouses may live. The homes are under the management and control of the Department of Veterans Affairs, and supervised by one administrator for each~~

~~homesite who may make rules and regulations governing admissions and conditions upon which veterans may reside in the home. Existing law establishes the right of veterans residing in a veterans home to complain to the administrator about home accommodations and services without fear of reprisal and requires the administrator to inform a resident of this right and to post a notice of the right in the homes.~~

~~This bill would provide that these rights shall be known as the California Veterans Home Veterans Bill of Rights.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 12012.45 of the Government Code is*  
2     *amended to read:*

3     12012.45. (a) The following tribal-state gaming compacts  
4     and amendments of tribal-state gaming compacts entered into in  
5     accordance with the Indian Gaming Regulatory Act of 1988 (18  
6     U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.)  
7     are hereby ratified:

8     (1) The amendment of the compact between the State of  
9     California and the Buena Vista Rancheria of Me-Wuk Indians,  
10    executed on August 23, 2004.

11    (2) The compact between the State of California and the Fort  
12    Mojave Indian Tribe, executed on August 23, 2004.

13    (3) The compact between the State of California and the  
14    Coyote Valley Band of Pomo Indians, executed on August 23,  
15    2004.

16    (4) The amendment to the compact between the State of  
17    California and the Ewiiapaayp Band of Kumeyaay Indians,  
18    executed on August 23, 2004.

19    (5) *The compact between the State of California and the Yurok*  
20    *Tribe of the Yurok Reservation, executed in 2006.*

21    (b) (1) In deference to tribal sovereignty, none of the  
22    following shall be deemed a project for purposes of the  
23    California Environmental Quality Act (Division 13 (commencing  
24    with Section 21000) of the Public Resources Code):

25    (A) The execution of an amendment of a tribal-state gaming  
26    compact ratified by this section.

1 (B) The execution of a tribal-state gaming compact ratified by  
2 this section.

3 (C) The execution of an intergovernmental agreement between  
4 a tribe and a county or city government negotiated pursuant to  
5 the express authority of, or as expressly referenced in, a  
6 tribal-state gaming compact or an amended tribal-state gaming  
7 compact ratified by this section.

8 (D) The execution of an intergovernmental agreement between  
9 a tribe and the California Department of Transportation  
10 negotiated pursuant to the express authority of, or as expressly  
11 referenced in, a tribal-state gaming compact or an amended  
12 tribal-state gaming compact ratified by this section.

13 (E) The on-reservation impacts of compliance with the terms  
14 of a tribal-state gaming compact or an amended tribal-state  
15 gaming compact ratified by this section.

16 (F) The sale of compact assets, as defined in subdivision (a) of  
17 Section 63048.6, or the creation of the special purpose trust  
18 established pursuant to Section 63048.65.

19 (2) Except as expressly provided herein, nothing in this  
20 subdivision shall be construed to exempt a city, county, a city  
21 and county, or the California Department of Transportation from  
22 the requirements of the California Environmental Quality Act.

23 (c) Revenue contributions made to the state by tribes pursuant  
24 to the tribal-state gaming compacts and amendments of  
25 tribal-state gaming compacts ratified by this section shall be  
26 deposited in the General Fund.

27 ~~SECTION 1. Section 1044.5 of the Military and Veterans~~  
28 ~~Code is amended and renumbered to read:~~

29 ~~1045.1. (a) This section shall be known and may be cited as~~  
30 ~~the California Veterans Home Veterans Bill of Rights.~~

31 ~~(b) A resident of a veterans home has the right to complain~~  
32 ~~and otherwise exercise the freedom of expression and assembly~~  
33 ~~guaranteed by the Sections 2 and 3 of Article I of the California~~  
34 ~~Constitution and the First Amendment to the United States~~  
35 ~~Constitution. The administrator of the home shall inform each~~  
36 ~~resident in writing at the time of admission of the right to~~  
37 ~~complain to the administrator about home accommodations and~~  
38 ~~services. A notice of the right to complain shall be posted in the~~  
39 ~~home. The administrator shall also inform each resident of the~~  
40 ~~right to complain to the board or to the Secretary of Veterans~~

1 ~~Affairs. Each resident of a home shall be encouraged and~~  
 2 ~~assisted, throughout the period of stay in the home, to understand~~  
 3 ~~and exercise the rights of freedom of expression and assembly as~~  
 4 ~~a resident and as a citizen. To this end, the resident may voice~~  
 5 ~~grievances and recommend changes in policies and services to~~  
 6 ~~home staff, other residents, and outside representatives of the~~  
 7 ~~resident's choice, free from restraint, interference, coercion,~~  
 8 ~~discrimination, or reprisal, including retaliatory eviction.~~  
 9 ~~(e) An administrator may not retaliate against any resident~~  
 10 ~~who exercises the right to voice grievances by evicting the~~  
 11 ~~resident. There shall be a rebuttable presumption that any~~  
 12 ~~eviction within 45 days of the exercise by a resident of the right~~  
 13 ~~to voice grievances is retaliatory. This presumption does not~~  
 14 ~~apply in favor of a resident who has failed to pay maintenance~~  
 15 ~~fees unless the resident pays the overdue fees.~~

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 18 CORRECTIONS:  
 19 Title - Page 1.  
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